

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SYNTHES, INC., SYNTHES USA HQ, INC.,
SYNTHES USA, LLC,
SYNTHES USA SALES, LLC, and
SYNTHES USA PRODUCTS, LLC,

Plaintiffs,

v.

EMERGE MEDICAL, INC., JOHN P.
MAROTTA, ZACHARY W. STASSEN, ERIC
W. BROWN, CHARLES Q. POWELL, ET AL.

Defendants.

CASE NO.: 11-1566

JURY TRIAL DEMANDED

ORDER

AND NOW, this ____ day of _____, 2013, upon consideration of the Motion to Compel Forensic Inspection Pursuant to Federal Rule of Civil Procedure 37 (hereinafter, the “Motion”) filed on behalf of Plaintiffs Synthes, Inc., Synthes USA HQ, Inc., Synthes USA, LLC, Synthes USA Sales, LLC, and Synthes USA Products, LLC (hereinafter, the “Plaintiffs”), and Defendants’ opposition thereto, **IT IS HEREBY ORDERED** that Plaintiffs’ Motion is **GRANTED**, and **it further is hereby ORDERED** that Defendant Emerge Medical, Inc. (hereinafter, “Emerge Medical”) shall, within five (5) days of the date of this Order, make the device(s) that had once been used by Zachary Stassen and from which Emerge Medical recovered Synthes’ engineering specification documents available for forensic inspection by a forensic consultant retained by Plaintiffs for that purpose.

BY THE COURT:

Ronald L. Buckwalter, S.J.

Synthes incorporates and relies upon the attached memorandum of law in support of its requests and as though set forth fully herein.

Respectfully submitted,

Dated: April 23, 2013

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CERTIFICATE OF SERVICE

I, Ann Hodulik, hereby certify that on April 23, 2013, I caused a true and correct copy of the foregoing to be served hand-delivery and ECF delivery to:

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*Attorneys for Defendants Emerge Medical, Inc., f/k/a
Emerge Surgical, Inc., Charles Q. Powell, and John P. Marotta*

Dated: April 23, 2013

/s/ Ann Hodulik
Ann Hodulik

